

WORKERS' COMPENSATION INDUSTRIAL COUNCIL

October 22, 2020

Minutes of the meeting of the Workers' Compensation Industrial Council held virtually via Zoom and in person on Thursday, October 22, 2020, at 1:00 p.m., Offices of the West Virginia Insurance Commissioner, 900 Pennsylvania Avenue, 10th Floor Conference Room, Charleston, West Virginia.

Industrial Council Members Present:

Kim Shin – via Zoom
Anna Dailey – via Zoom
Bengy Swanson – appeared in person
Patrick Smith – via Zoom
James A. Dodrill, Insurance Commissioner/Nonvoting Member – appeared in person

1. Call to Order

Commissioner James A. Dodrill called the meeting to order at 1:00 p.m.

2. Approval of Minutes

Commissioner Dodrill asked for a motion to approve the September 10, 2020 minutes.

Anna Dailey made the motion to approve the September 10, 2020 minutes. The motion was seconded by Kim Shin and passed unanimously.

3. Office of Judges' Report – Bradley Crouser, Chief Administrative Law Judge

Chief Judge Bradley Crouser presented the Offices of Judges' Report. Chief Judge Crouser also advised that OOJ Deputy Chief Administrative Law Judge Alan Drescher will be retiring at the end of this year. Following the report, there were no questions from the Council members.

4. General Public Comments

Commissioner Dodrill asked if anyone from the public would like to speak to the Council, or if anyone had comments. No speakers and no comments. No one from the public attended.

5. Old Business

Commissioner Dodrill asked if anyone had any old business that needed to be discussed. The annual audit was discussed. Melinda Kiss, OIC Assistant Commissioner of Finance, advised that the audit was completed this week. It was decided that discussion of the audit would be placed on the agenda for the next meeting, which is scheduled for Thursday, December 10, 2020. It was discussed that a hard copy of said audit would be mailed to all members.

6. New Business

Commissioner Dodrill presented the new business, as there were several topics presented and discussed as follows:

- New Industrial Council Member Appointment – Mr. Patrick M. Smith
- Reappointment of Industrial Council Member – Ms. Anna Dailey
- Reappointment of Industrial Council Member – Mr. Bengy Swanson
- New Industrial Council Advisory Member Appointment – Senator Mike Azinger
- Resignation of Michael Keener from Industrial Council
- Election of Chairperson, Vice Chairperson and Secretary – it was decided that a full board is needed before decisions are made regarding the election of these positions; after Michael Keener's replacement is appointed
- Vacancy on Board of Review Rita Hedrick-Helmick's Retirement – Board of Review Chairperson, Nick Casey, advised that he had received the applications and have submitted three (3) to the Governor.
- Recognition of Kent Hartsog for his years of service to the Industrial Council

7. Next Meeting

The next meeting is scheduled for December 10, 2020 at 1:00 p.m.

8. Executive Session

Commissioner Dodrill: The next item on the agenda is an Executive Session to discuss confidential matters related to self-insured employers, and also a discussion of pending litigation with appointed legal counsel for the Industrial Council that involves or affects the Council.

These matters involve discussion of confidential information that meets exceptions under the *West Virginia Public Meetings Act*, and also involves matters that are exempted from

disclosure under the *West Virginia Freedom of Information Act*. Therefore, it is appropriate that the discussions take place in Executive Session under the provisions of West Virginia Code §6-9A-4.

If there is any action taken regarding these specific matters it will be done upon reconvening of the public session. Is there a motion to go into Executive Session?

Anna Dailey made the motion to go into Executive Session. The motion was seconded by Bengy Swanson and passed unanimously.

The Industrial Council went into Executive Session to discuss self-insured matters and confidential or privileged litigation matters with appointed legal counsel involving or affecting the Industrial Council.

Angela Shepherd, Director, Workers' Compensation Self-Insurance, presented the self-insured matters.

Attorney Valerie Raupp, an attorney with Lewis Glasser, PLLC who has been appointed as special counsel for the Industrial Council by the Attorney General, advised the Industrial Council on confidential and attorney-client privileged matters regarding pending litigation involving or affecting the Council.

Commissioner Dodrill called the Industrial Council meeting back to order for the regular public session.

The Council took no formal action during the Executive Session with regards to the pending litigation.

Commissioner Dodrill entertained a motion to approve the list of self-insured renewals that have been presented to the Council.

Anna Dailey moved to accept the motion to approve the list.

The motion was seconded by Kim Shin and passed unanimously.

9. Adjourn

There being no further business, Commissioner Dodrill asked for a motion to adjourn. Anna Dailey made the motion to adjourn the meeting. The motion was seconded by Bengy Swanson and passed unanimously.